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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/749,736	Applicant(s) HANIF ET AL.	
	Examiner Susanna M. Diaz	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-25 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-25 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of previously pending claims 8, 21, 24, and 26-28 (the subject matter of which is now incorporated into claims 1-7, 9-25, and 27-34) is withdrawn in view of the newly discovered references to Vaidyanathan et al. (US 2004/0128155) and Ratterman et al. (WO 01/61601 A1). Rejections based on the newly cited references follow.

The after-final amendment filed January 5, 2006 has been entered. Claims 1-7, 9-25, and 27-34 are presented for examination.

Claim Objections

2. Claim 31 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 9-25, and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vaidyanathan et al. (US 2004/0128155) in view of Ratterman et al. (WO 01/61601 A1).

Vaidyanathan discloses an apparatus comprising:

[Claim 1] a feedback cancellation request receiver to receive a request to cancel feedback pertaining to a transaction in a network-based transaction facility from a first party to the transaction (Fig. 9; ¶¶ 20-21, 74, 101);

a feedback cancellation criteria evaluator to automatically determine whether one or more feedback cancellation criteria are satisfied (¶¶ 20-21, 98, 101, 109, 111); and

a feedback cancellation recorder to cancel the feedback pertaining to the transaction if the one or more feedback cancellation criteria are satisfied, the feedback cancellation recorder further to mark the feedback pertaining to the transaction as withdrawn (Fig. 44; ¶¶ 101, 109, 111);

[Claim 2] a feedback cancellation request processor to determine that a second party to the transaction agrees to cancel the feedback pertaining to the transaction (¶ 109);

[Claim 3] wherein the feedback pertaining to the transaction includes at least one of a feedback comment left by the first party for a second party to the transaction and a feedback comment left by the second party for the first party (¶ 109);

[Claim 4] wherein the feedback cancellation request receiver is further to identify a second party to the transaction based on input provided by the first party, to present to the first party information identifying the second party and the feedback pertaining to the

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transaction, and to receive a confirmation of the request to cancel feedback from the first party (Fig. 17; ¶¶ 113-115);

[Claim 5] wherein the input provided by the first party includes an identifier of an item associated with the transaction (Figs. 20, 25, 26);

[Claim 6] a feedback cancellation request processor to notify a second party to the transaction about the request to cancel feedback (Figs. 53-55; ¶¶ 101);

[Claim 7] wherein the feedback cancellation request processor is to determine that the second party agreed to cancel the feedback by presenting to the second party information identifying the transaction for which the first party submitted the request to cancel feedback, and receiving a confirmation of feedback cancellation from the second party (Figs. 53-55; ¶¶ 109, 111);

[Claim 9] wherein the one or more feedback cancellation criteria includes at least one requirement selected from the group consisting of a requirement that at least one feedback comment pertaining to the transaction exist, a requirement that the request to cancel feedback be received before an expiration date, a requirement that a second party to the transaction agree to cancel feedback before an expiration date of the request to cancel feedback, a requirement that each of the first and second parties be currently registered with the network-based transaction facility, and a requirement that each of the first and second parties do not exceed a feedback cancellation limit (Fig. 44; ¶¶ 101, 109, 111).

Regarding claim 1, Vaidyanathan teaches that a reputation rating of the one or more parties involved in a dispute resolution process may be automatically updated as a function of the resolution (§§ 36, 109; claim 13). Vaidyanathan does not expressly teach that updating a reputation rating involves recalculating feedback scores and statistics for at least one of the first party and a second party to the transaction; however, Ratterman discloses the computation of a feedback rating and a community rating of users involved in online buying/selling transactions (page 2). A buyer or seller's feedback rating "is a characteristic value based on feedback received from other users about a user relative to transactions conducted by the user" (page 5). "A user's Community Rating is based upon the user's Feedback Rating and the Feedback Ratings of other users associated with that user. For example, a user's Community Rating may be represented by the sum of the user's Feedback Rating, the number of users the user has referred to the online trading community, and the Community Ratings of all users referred." (Page 4) Ratterman's feedback and community ratings serve to reflect a trustworthiness and skill or expertise of the rated user (pages 4-5). Consequently, a user would likely aspire to earn high ratings in order to achieve a good reputation in the online marketplace community, thereby encouraging other community members to participate in future transactions with that user. Similarly, Vaidyanathan provides an online buying/selling forum in which buyers and sellers may rate one another and request removal of negative feedback when such feedback is determined to be inappropriate. Furthermore, both Vaidyanathan and Ratterman expressly disclose that their respective reputation rating systems may be used in conjunction with online

services offered by eBay, Inc. (see Fig. 9 of Vaidyanathan and page 1 as well as the assignment of Ratterman); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Vaidyanathan's step of updating a reputation rating to include recalculating feedback scores (e.g., Feedback Ratings) and statistics (e.g., Community Ratings) for at least one of the first party and a second party to the transaction in order to provide users with recourse to correct unfair negative ratings since earning high ratings helps to achieve a good reputation in the online marketplace community, thereby encouraging other community members to participate in future transactions with that user (as suggested by Ratterman). Preventing a user from updating his/her reputation rating based on justifiably removed negative feedback would be unfair to the user since it would present an inaccurate representation of the user's deserved reputation.

[Claims 10-15] Claims 10-15 recite limitations already addressed by the rejection of claims 1-4, 6, and 9 above; therefore, the same rejection applies.

Furthermore, Vaidyanathan discloses a memory and processor (¶¶ 20-21).

[Claims 16-25, 27-29] Claims 16-25 and 27-29 recite limitations already addressed by the rejection of claims 1-7 and 9 above; therefore, the same rejection applies.

Furthermore, as per claim 21, Vaidyanathan discloses identifying the second party comprising:

determining that the item is associated with a plurality of transactions (Figs. 12-23);

presenting to the first party one or more users participating in the plurality of transactions (Figs. 12-23); and

requesting the first party to specify which of the one or more users is the second party (Figs. 12-23).

Regarding claims 23 and 24, Vaidyanathan discloses notifying the second party comprising:

sending to the second party an email message informing the second party of the request to cancel feedback pertaining to the transaction (Figs. 19-22, 39-40, 55; ¶ 115);

wherein the email message sent to the second party includes a link to a feedback cancellation form (Figs. 19-22, 39-40, 55; ¶ 115).

Regarding claim 27, Vaidyanathan discloses upon receiving a request for feedback left for any one of the first party and a second party to the transaction, displaying one or more feedback comments pertaining to the transaction with a feedback withdrawal comment (Figs. 12-23).

Regarding claim 28, neither Vaidyanathan nor Ratterman expressly discloses the step of preventing any of the first party and a second party to the transaction from entering feedback comments for the transaction upon canceling the feedback pertaining

to the transaction. However, the Vaidyanathan-Ratterman combination addresses the concept of removing negative feedback and recalculating related feedback scores and statistics (discussed above). Some effort is required on behalf of users involved in a transaction in order to easily remove negative feedback (including payment by the person who requested mediation); therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to further modify the Vaidyanathan-Ratterman combination to prevent any of the first party and a second party to the transaction from entering feedback comments for the transaction upon canceling the feedback pertaining to the transaction in order to lend some level of integrity and credibility to the mediation process, thereby encouraging users to use it in the future, when needed. In other words, a user would not desire to pay for mediation when its results can be further overridden by a subsequent negative feedback rating for a previously resolved conflict.

[Claims 30-34] Claims 30-34 recite limitations already addressed by the rejection of claims 1-4 and 9 above; therefore, the same rejection applies.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dabney et al. (US 2004/0128224) -- Discloses an online auction system that allows negative feedback to be removed under certain circumstances.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Susanna M. Diaz
Primary Examiner
Art Unit 3623

January 31, 2006